

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ADANECH AGUNE,

8:08CV127

Plaintiff,

V.

MEMORANDUM AND ORDER

TONY,

Defendant.

This matter is before the court on Plaintiff's Motion to Dismiss (filing no. 5), which the court construes as a motion to voluntarily dismiss pursuant to Federal Rule of Civil Procedure 41(a)(1)(A). Defendant has not been served and has not filed an answer or other responsive pleading. Plaintiff's Motion is therefore granted and this matter is dismissed without prejudice.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Dismiss (filing no. 5) is granted.
2. Plaintiff's Complaint and this action are dismissed without prejudice. All pending motions are denied as moot.
3. A separate judgment will be entered in accordance with this Memorandum and Order.

March 31, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge